

#141 Ref for
Refund
05-02-03

OFFICE OF THE
COMMISSIONER OF PATENTS
AND TRADEMARKS
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of Timothy P. Croughan

Serial No. 09/830,194

International Filing Date 05 November 1999

35 U.S.C. § 371 Date 23 April 2001

For: Herbicide Resistant Rice

Atty. File 98A9-US Croughan

Commissioner for Patents

Box 17

Washington, D.C. 20231

Attn: Refunds Branch, Receipts Accounting Division, Office of Finance

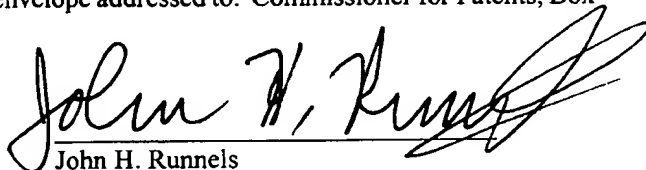
REQUEST FOR REFUND FOR
IMPROPER CHARGE TO DEPOSIT ACCOUNT

This is a request for a refund of \$1276 to Deposit Account 20-0096.

The November 29, 2002 Monthly Statement of Deposit Account, No. 20-0096 (attached at tab 1) showed unexpected charges of \$1386 and \$160, attributed to the above patent application. All but \$270 of that total was improperly charged, and \$1276 should therefore be refunded.

CERTIFICATE

I hereby certify that this Request for Refund and all listed attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box 17, Washington, D.C. 20231 on January 21, 2003.



John H. Runnels

Registration No. 33,451

January 21, 2003

Although the undersigned is not certain why these charges appeared, based on other events in the history of the national stage of this application, the undersigned is willing to venture a guess.

This is the national stage of a PCT international application. When the national stage was entered, \$1904 in total fees were paid. See the attached copies of the Transmittal Letter, page 2 (tab 2), cancelled check for \$1904 (tab 3), and return postcard from the PTO acknowledging receipt of the \$1904 check (tab 4).

The fees due for the national stage filing, as shown on page 2 of the Transmittal Letter, properly totaled \$1904. Attention is respectfully directed to the April 23, 2001 Preliminary Amendment (tab 5). The Preliminary Amendment directed the entry of the annexes to the International Preliminary Examination Report, followed by further amendments as stated. As clearly stated in the next-to-last paragraph on page 3 of the Preliminary Amendment, the "fees were calculated based on the Claims remaining after entry of the annexes, and after entry of this Preliminary Amendment."

Despite these clear directions, the undersigned subsequently learned that the annexes from the international stage had been not entered when originally requested. In the Monthly Statement of Deposit Account dated June 29, 2001 (tab 6), there appeared an entry for a \$270 refund. The undersigned did not understand at the time why a refund had been made, and assumed that in time the Office would correct whatever error had been made, and charge the same amount back. More recently, the undersigned has surmised that the \$270 refund must have resulted from a recalculation of the filing fees due, without entry of the annexes to the International Preliminary Examination Report.

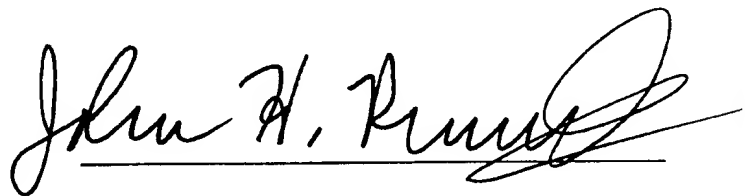
Subsequent communications with two different Examiners (copies of which are not attached, but which the undersigned would be happy to supply by fax) finally resulted in the entry of both the annexes, and the Preliminary Amendment as originally requested, in approximately October or November of 2002. At that point, the \$270 that had previously been refunded to the Deposit Account in error should have been charged back to the Deposit Account.

Instead, as shown in the November 29, 2002 Monthly Statement of Deposit Account (tab 1), it appears that the Claims fees were recalculated anew, as if no previous Claims fees had ever been paid for this application. \$1386 was charged for excess Claims, and \$160 was charged for excess independent Claims, for a total of \$1546. However, because the Applicant had properly paid the correct fees due when the application was originally filed, no additional amounts should have been due, other than the \$270 that had previously been refunded to the Deposit Account in error.

Accordingly, Applicant is entitled to a refund of $\$1546 - \$270 = \$1276$.

Please make this refund by crediting \$1276 to Deposit Account No. 20-0096.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "John H. Runnels", is written over a horizontal line.

John H. Runnels
Taylor, Porter, Brooks & Phillips, L.L.P.
P.O. Box 2471
Baton Rouge, LA 70821
(225) 381-0257
Registration No. 33,451

January 21, 2003



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

**MONTHLY STATEMENT
OF DEPOSIT ACCOUNT**

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return top portion with your check. Make check
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Account No.	200096
Date	11-29-02
Page	1

TAYLOR PORTER BROOKS & PHILLIPS, L.L.P. FINA
C/O JOHN H. RUNNELS
P O BOX 2471

BATON ROUGE LA 70821

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1-7-03
TAYLOR, PORTER, BROOKS & PHILLIPS

PLEASE SEND REMITTANCES TO:
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Chicago, Ill. 60673

DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY	YR.						
11	6	02	13	09830194	98A9-US CROU	1615	1386.00	6786.00
11	6	02	14	09830194	98A9-US CROU	1614	160.00	6626.00
11	13	02	5	10128038	<i>Waldrop 0107</i>	9204	-300.00	6926.00
11	21	02	1	E-REPLENISHMENT		9203	-15.00	6941.00
AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT.					OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE
					8172.00	1546.00	315.00	6941.00

*** O.D. INDICATES OVERDRAWN

FORM PTO-1390 (Modified) (REV 11-2000)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTO Y'S DOCKET NUMBER 98A9-US Croughan	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371				U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR	
INTERNATIONAL APPLICATION NO. PCT/US99/26062		INTERNATIONAL FILING DATE 05 November 1999		PRIORITY DATE CLAIMED 05 November 1998	
TITLE OF INVENTION Herbicide Resistant Rice					
APPLICANT(S) FOR DO/EO/US Timothy P. Croughan					
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:					
<ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below. 4. <input checked="" type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c) (2)) <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)). 11. <input checked="" type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPEA/409). 12. <input checked="" type="checkbox"/> A copy of the International Search Report (PCT/ISA/210). 					
Items 13 to 20 below concern document(s) or information included:					
<ol style="list-style-type: none"> 13. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 14. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 15. <input checked="" type="checkbox"/> A FIRST preliminary amendment. 16. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 17. <input type="checkbox"/> A substitute specification. 18. <input type="checkbox"/> A change of power of attorney and/or address letter. 19. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825. 20. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). 21. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 22. <input type="checkbox"/> Certificate of Mailing by Express Mail 23. <input checked="" type="checkbox"/> Other items or information: 					
Deposit Account Authorization and Request for Automatic Extensions of Time (2 originals)					

U.S. APPLICATION NO. (IF KNOWN, SEE 3 R	INTERNATIONAL APPLICATION NO. PCT/US99/26062	ATTORNEY'S DOCKET NUMBER 98A9-US Croughan
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24. The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :

☐ Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1000.00

☒ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$860.00

☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$710.00

☐ International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$690.00

☐ International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	78 - 20 =	58	x \$18.00
Independent claims	2 - 3 =	0	x \$80.00
Multiple Dependent Claims (check if applicable).			<input type="checkbox"/>

TOTAL OF ABOVE CALCULATIONS =

☐ Applicant claims small entity status. (See 37 CFR 1.27). The fees indicated above are reduced by 1/2.

SUBTOTAL =

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).

TOTAL NATIONAL FEE =

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).

TOTAL FEES ENCLOSED =

Amount to be refunded	\$
charged	\$

CALCULATIONS PTO USE ONLY

\$860.00

\$0.00

\$1,044.00

\$0.00

\$0.00

\$1,904.00

\$0.00

\$1,904.00

\$0.00

\$1,904.00

\$0.00

\$1,904.00

a. ☒ A check in the amount of \$1,904.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 20-0096 A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

John H. Runnels
Taylor, Porter, Brooks & Phillips, L.L.P.
P.O. Box 2471
Baton Rouge, LA 70821-2471

Telephone: (225) 387-3221
Fax: (225) 346-8049
e-mail: runnels@TPBP.com

SIGNATURE

John H. Runnels
NAME

Reg. No. 33,451
REGISTRATION NUMBER

23 April 2001
DATE

THIS CHECK IS VOID WITHOUT A COLORED BACKGROUND ON THE FRONT
AND AN ARTIFICIAL WATERMARK CERTIFICATION SEAL WITH ARTIFICIAL
YELLOW FLUORESCENT FIBRES ON THE BACK HOLD AT ANGLE TO VIEW SE

EXPRESS MAIL NO. EJ697626595

35 U.S.C. § 371 Date: 23 April 2001
Inventor: Timothy P. Croughan
PCT Application No. PCT/US99/26062
International Filing Date: 05 November 1999
Title: Herbicide Resistant Rice
Atty File No.: 98A9-US Croughan

09/830194

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4-30-01

RAYLOR, PORTER, BROOKS & PHILLIPS

The Patent & Trademark Office's stamp acknowledges receipt of
following enclosures:

- PTO 1390 Transmittal Letter for entry into national stage
- Executed Oath
- Deposit Account Authorizations and Requests for Automatic Extensions of Time (2 originals)
- Preliminary Amendment
- Copy of the International Search Report
- Copy of the International Preliminary Examination Report
- Check for the national stage fee in the amount of \$1904

JCO7 Rec'd PCT/PTO 23 APR 2001

Mailing date: April 23, 2001

Express Mail No. EJ697626595

1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of Timothy P. Croughan

Serial No. 09/ _____

International Application No. PCT/US99/26062

International Filing Date 05 November 1999

35 U.S.C. § 371 Date 23 April 2001

Atty. File 98A9-US Croughan

For: Herbicide Resistant Rice

Commissioner for Patents

Box PCT

Washington, D.C. 20231

Attn.: EO / US

PRELIMINARY AMENDMENT

Dear Sir or Madam:

Please amend this application as follows:

The Annexes

Please enter each of the annexes to the 05 February 2001 International Preliminary Search Report, a copy of which is enclosed.

After entry of the annexes, please further amend the application as follows:

In the Specification:

Please cancel the paragraph appearing at page 1, lines 10-12, and insert in its place the following new paragraph:

This is the United States national stage of international application PCT/US99/26062, filed November 5, 1999; which claims the benefit of the November 5, 1998 filing date of United States provisional application serial number 60/107,255 under 35 U.S.C. § 119(e).

In the Claims:

After entry of the annexes as requested above, please cancel Claims 62-73 and 75-81.

REMARKS

The specification and Claims have been amended by entering the annexes from the international stage of this application, as appended to the International Preliminary Examination Report. The reasons for the amendments reflected in the annexes (which were primarily formal in nature) appear in the 18 May 2000 Letter Concerning Article 34 Amendments, and the 9 November 2000 Amendment and Reply to Written Opinion, both of which were filed in the European Patent Office during Chapter II of the international phase of this application, and copies of both of which the undersigned would be happy to supply upon request if they are not readily available.

The specification has also been amended on page 1 to recite the history of this application, and to claim the benefit of the filing date of a prior provisional application under 35 U.S.C. § 119(e).

The Claims have also been amended by cancelling Claims 62-73 and 75-81. The Office is advised that Applicant has no intention of disclaiming the subject matter of Claims 62-73 and 75-81, and that Applicant intends to file a continuation application containing those claims in the near future.

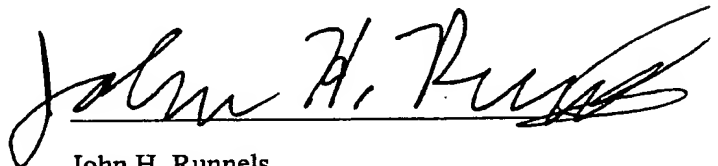
The Office is also advised that it is Applicant's intention to file an Information Disclosure Citation within the three-month "window" of 37 C.F.R. § 1.97(b)(2). Should the Office take this case up for action before the Information Disclosure Citation has been placed in the file, a telephone call to the undersigned would be appreciated.

Claims 1-15, 31-38, 54-61, and 82-128 remain in the application.

The filing fees were calculated based on the Claims remaining after entry of the annexes, and after entry of this Preliminary Amendment.

Allowance of all pending Claims at an early date is respectfully requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "John H. Runnels", is written over a horizontal line.

John H. Runnels
Taylor, Porter, Brooks & Phillips, L.L.P.
P.O. Box 2471
Baton Rouge, LA 70821

Registration No. 33,451

23 April 2001



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Patent and Trademark Office

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Page	1

TAYLOR PORTER BROOKS & PHILLIPS, L.L.P. FINA
C/O JOHN H. RUNNELS
P O BOX 2471

BATON ROUGE LA 70821

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MO.	DAY	YR.						
6	1	01	24	E-REPLENISHMENT		701	-65.00	6184.00
6	4	01	27	09830194		704	-270.00	6454.00
6	20	01	104	09580894	EK968023812	205	10.00	6444.00

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*** O.D. INDICATES OVERDRAWN